



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

February 22, 2010

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

Robert Mayo, President
Branch River Plastics, Inc.
15 Thurber Boulevard
Smithfield, RI 02917

Re: Clean Air Act Reporting Requirement, Docket No. AAA-10-0004

Dear Mr. Mayo:

The United States Environmental Protection Agency ("EPA") is evaluating whether Branch River Plastics, Inc. in Smithfield, Rhode Island ("Branch River") is in compliance with the Clean Air Act (the "Act") and state and federal regulations promulgated under the Act. The regulations include the federally enforceable sections of the Rhode Island State Implementation Plan, namely Air Pollution Control Regulation No. 9.

Section 114(a)(1) of the Act, 42 U.S.C. Section 7414(a)(1), gives EPA the authority to require a facility to submit such information as EPA may reasonably require to determine the facility's compliance with the Act. Therefore, within 45 days of the date Branch River receives this reporting requirement, Branch River is required to provide all of the information outlined below for the Smithfield, Rhode Island facility. Provide a separate numbered response to each numbered paragraph or subparagraph below:

1. Provide the following information about Branch River:
 - a. Describe the ownership and business structure;
 - b. Indicate the date and state of incorporation;
 - c. List any partners or corporate officers;
 - d. List any parent and subsidiary corporations;
 - e. Provide the number of employees at each facility; and
 - f. Provide the net worth of the company (if not available, provide gross annual receipts since 2005).
 - g. Provide the date of any changes in ownership or name.

2. Provide copies of all records Branch River used to track the monthly volatile organic compound ("VOC") emissions. The records should include the total amount of raw materials that contain VOCs including expanding agents and fuels used at the facility. Specifically:
 - a. For all expanded polystyrene ("EPS") products provide copies of:
 - i. All logs or receipts of shipments of EPS since 2005;
 - ii. The "Certificate of Analysis" for each received lot of EPS since 2005 (note: if the Certificate of Analysis does not contain VOC content, provide the EPS bead manufacturer's specification of VOC content);
 - iii. The annual average percent of VOC contained in the EPS beads between 2000 and 2009
 - iv. The amount of EPS used each month between January 1, 2000, and December 31, 2009 (in tons per month);
 - v. The average percent of VOC contained in the EPS used each month between January 1, 2000, and December 31, 2009;
 - vi. Monthly VOC emissions from EPS activities between January 1, 2000, and December 31, 2009 (in tons per month); and
 - vii. The percent of VOCs that remain in the finished EPS products when leaving the facility (explain any assumptions).
 - b. For all fuels provide copies of:
 - i. All logs or receipts of shipments of fuel;
 - ii. The Material Safety Data Sheet ("MSDS") for each fuel received (note: if the MSDS does not contain VOC content of the fuel, provide the fuel distributor's specification of VOC content); and
 - iii. The amount of fuels used each month;
 - iv. Monthly VOC emissions from fuels (in tons per month).
3. Provide copies of the calculations and the reports that Branch River submitted annually to the Rhode Island Department of Environmental Management from 1985 through 2009.
4. For each year from 2000 through 2009, estimate the average length of time in days that expanded polystyrene products were stored on-site. Include copies of the information used to make this estimate.
5. Provide the following information (and corresponding documentation) about the polystyrene expanders that Branch River currently uses:
 - a. The date each expander was purchased;
 - b. The date each expander was installed;
 - c. The date each expander began operating;
 - d. The name of the manufacturer, model number, size, maximum production rate (in pounds of EPS per hour), and any other operational specifications.

6. Provide the following information (and corresponding documentation) about the polystyrene molding machines that Branch River currently uses:
 - a. The date each molding machine was purchased;
 - b. The date each molding machine was installed;
 - c. The date each molding machine began operating; and
 - d. The name of the manufacturer, model number, size, maximum production rate (in pounds of EPS per hour), and any other operational specifications.
7. If Branch River removed or decommissioned any polystyrene expanders and/or molding machines, provide the following information about these units:
 - a. The name of the manufacturer, model number, size, maximum production rate (in pounds of EPS per hour), and any other operational specifications of each unit that was removed or decommissioned; and
 - b. The date each unit was removed or decommissioned.
8. Branch River operates boilers for process heat and building heat. Provide the following information (and corresponding documentation) about the boilers:
 - a. The type of fuel burned in each boiler (note: if fuel oil is burned, also include documentation from the fuel distributor regarding the sulfur content);
 - b. The date each boiler was purchased;
 - c. The date each boiler installation was completed;
 - d. The date each boiler began operating;
 - e. The name of the manufacturer, model number, size, maximum production rate, and any other operational specifications; and
 - f. Explain how each boiler is being used (for example, indicate if the boiler is used to heat the facility or to produce process steam).
9. Provide a list of all other process equipment (e.g. expanders, pre-puff aging bags, molding machines) and process support equipment (e.g. boilers, compressors) costing above \$10,000 that Branch River purchased since 1985. Also, for each piece of equipment, provide the following information (and corresponding documentation):
 - a. The purpose/role of the equipment;
 - b. The date the equipment was purchased;
 - c. The date the equipment installation was completed;
 - d. The date the equipment began operating; and
 - e. The name of the manufacturer, model number, size, maximum production rate, and any other operational specifications.
10. Provide copies of all correspondence Branch River (or any of its predecessors) has had with state and federal environmental agencies regarding emissions of air pollution, including copies of:
 - a. All permits issued;
 - b. All permit applications; and
 - c. Any requests for permit modifications.

Be aware that if Branch River does not provide the requested information, EPA may order Branch River to comply and may assess monetary penalties under Section 113 of the Act, 42 U.S.C. Section 7413. Federal law also establishes criminal penalties for providing false information to EPA. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act.

Branch River may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Note that certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to Branch River. Please be aware that the State of Rhode Island may have different rules and regulations governing the protection of confidential business information.

You are required to submit the above-required information to:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Mail Code (OES04-2)
Boston, Massachusetts 02109
Attn: Steven Calder, Air Technical Unit

If you have any questions regarding this reporting requirement, please contact Steven Calder at (617) 918-1744 or have your attorney call Thomas Olivier, Senior Enforcement Counsel at (617) 918-1737.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship

cc: Doug McVay, RI DEM